Qualified small issue bonds play an important role in creating and sustaining a vibrant manufacturing sector in rural communities. Today, however, the so-called ''$10 million limit'' impedes many growing manufacturers from taking advantage of the benefits of qualified small issue bonds. This rule states that the aggregate face amount of the issue, together with the aggregate amount of certain related capital expenditures during a six-year period beginning three years before the date of issue and ending three years after that date, must not exceed $10 million. This $10 million limit was imposed in 1978. It does not consider changes in the economy, inflation, or the increased costs associated with the construction of manufacturing facilities. Even in small rural communities like those in the district, industrial development authorities have projects that routinely exceed this $10 million limit and are therefore ineligible for this type of financing.

The Industrial Development Bond Promotion Act of 2002 would permit capital expenditures of $30 million to be disregarded in determining the aggregate face amount of certain qualified small issue bonds.

Given today's global economy and proof that U.S. manufacturers are not adverse to building and manufacturing offshore, it is most important that the calculation of the limit be changed. Across the country, manufacturing jobs are declining. The manufacturing sector's share of all U.S. jobs slipped from 17 percent ten years ago to 13 percent today. Small issue bonds are a valuable tool to local economic development authorities and go a long way toward creating and maintaining investment in manufacturing facilities in communities throughout our country.

We encourage our colleagues to join us in cosponsoring this legislation.

HAROLD BENGSCH AWARDED 2001 HUMANITARIAN OF THE YEAR

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 20, 2001

Mr. BLUNT. Mr. Speaker, I rise to honor a dedicated civil servant who is working daily to improve the health of residents in the Seventh Congressional District of Missouri.

Earlier this month, Harold Bengsch, the Director of the Springfield-Greene County, Missouri Health Department, was awarded the 2001 Humanitarian of the Year Award, established by the Community Foundation of the Ozarks. The recognition comes with a $5,000 cash award that is to be divided between the recipient and the charities of their choice. Mr. Bengsch, true to the reasons why he was so honored, gave the entire amount to charity.

Harold received the award for three decades of outstanding work improving the area's public health. His dedication and vision were instrumental in cutting the number of children testing positive for elevated blood lead levels in Greene County from 28 percent to 15 percent. Under his leadership, immunization rates for children at two years of age has increased from less than 50 percent to more than 90 percent. As director of the local health department, Harold has conducted research, had his studies published in professional journals and is responsible for the ongoing management of the ever growing city-county public health programs. These programs include disease control, preventive and environmental health and medical services.

Harold is a proven problem solver. He is a master at bringing people together—those who need the service and those who provide it. His soft-spoken manner, intelligence and broad experience in public health issues makes Harold Bengsch an invaluable resource to his community and well respected throughout the state of Missouri.

The unreasonable actions of government bureaucrats are regularly criticized on the Floor of the House. In this case I want my colleagues to know there is at least one bureaucrat who is doing an outstanding job of serving the public. I can assert without hesitation that the public health of Springfield Greene County and Southwest Missouri is better today because of the work, effort and vision of Harold Bengsch.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 20, 2001

Mr. OXLEY. Mr. Speaker, I was absent from the House floor during yesterday's rollcall votes on H. Res. 320, H.R. 3529, and the motion to recommit H.R. 3529. Had I been present, I would have voted ''aye'' on H. Res. 320 and H.R. 3529, and ''nay'' on the motion to recommit H.R. 3529.

H.R. 3295, HELP AMERICA VOTE ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 20, 2001

Mr. UDALL of New Mexico. Mr. Speaker, today, the House is considering H.R. 3295, the ''Help America Vote Act of 2001,'' an election reform proposal that seeks to address many of the problems with our national electoral system. It has been over a year since the 2000 Presidential Election, which brought many of these problems to light. Although it is not perfect, this legislation is long over-due, and I urge my colleagues to support its passage.

I won't rehash the events of the 2000 Campaign, as we are all too familiar with hanging chads, the flawed butterfly ballot, and the countless ballots in Florida—and elsewhere—that were discarded and not tallied. That was a national tragedy. We've had a year to do something here in the House, and I am glad we are finally acting. I hope we can use this important legislation to address many of the shortcomings of our national voting system. H.R. 3295 is just a first step in our ongoing effort to restore our constituents' trust in the system of how we conduct our elected officials. Our constituents deserve to have that trust restored.

This bill authorizes $400 million for one-time payments to states or counties to replace punch card voting systems in time for the November 2002 general election. These are the infamous ballots used in Florida and elsewhere.

H.R. 3295 also creates a bipartisan Election Assistance Commission, which is intended to be a national clearinghouse for information and to review the procedures used for Federal elections.

It authorizes $2.25 billion to help states improve their voting systems. Specifically, this bill will help states establish and maintain accurate voter lists; encourage voters to get out and vote; improve voting equipment; improve the processes for verification and identification of voters; recruit and train poll workers; improve access for voters with disabilities; and finally, educate voters about their rights and responsibilities.

Most importantly, H.R. 3295 will establish minimum federal standards for state election systems regarding voter registration systems, provisional voting, the maintenance of accuracy of voter registration records; overseas absentee voting procedures, permitting voters with disabilities to cast a secret ballot, and allow voters an opportunity to correct errors.

Now, as I said earlier, this bill is not perfect. In fact many well-respected organizations in the civil rights community oppose this legislation. I understand and share some of their frustrations. However, I believe that by passing this bill today, we can move the process forward in hopes that the bill that comes back from the Senate will have many improvements.

I commend my colleagues Mr. NEY of Ohio and Mr. HOYER of Maryland for their hard work in crafting this legislation. I encourage them, however, to work with Mr. CONYERS of Michigan and Senator DODD to ensure that if there is a conference on this bill, we can vote for an even better bill.

Vote yes on H.R. 3295.

PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 20, 2001

Mr. SHIMKUS. Mr. Speaker, as a sponsor of H.R. 3448, which was introduced in the House on December 11, 2001, I would like to include for the record the following description of the bill:

Section 302 would provide the Secretary authority to administratively detain any article of food where FDA has credible evidence or information indicating that such article ''presents a threat of serious adverse health consequences or death to humans or animals.'' The ''serious adverse health consequences'' standard, which is used consistently in Title III of this Act, relates to the situation in which there is a reasonable probability that the use of, or exposure to, a violative product will cause serious adverse health consequences or death. This corresponds to FDA guidance pursuant to Title 21, Section 7.3 of the Code of Federal Regulations.

The authority provided under Section 302 may not be delegated by the Secretary to any official less senior than the FDA district director in which the article is located. Under this authority, the article may be detained for a

reasonable period, not to exceed 20 days, unless the Secretary requires up to an additional 10 days. Because there is potential for food of limited shelf life to be detained, the ''reasonable period'' may, depending upon the perishability of the food, be significantly shorter than 20 days. The Secretary is required to institute rulemaking to establish expedited procedures for the detention of perishable foods, such as fresh produce, fresh fish and seafood products. The Secretary should promptly complete that rulemaking.

Within 72 hours of filing an appeal the Secretary is required to provide opportunity for an informal hearing and render a final decision regarding the appeal. The Secretary's decision regarding the appeal is subject to judicial review consistent with the Administrative Procedure Act, Title 5, Section 706, of the United States Code. There is great need for timely review of an administrative detention order and the Secretary should assure that appeals are resolved in a timely manner. The value of perishable foods may be lost entirely, and even the value of foods that have considerable shelf life may be reduced substantially if administrative and judicial review are inappropriately delayed.

While an article of food is subject to administrative detention, the Secretary may order that it be held in a secure facility. Detention of the food in a secure facility is not a requirement. The Secretary should ensure that the food would be held under commercially appropriate conditions of cleanliness, temperature, humidity and whatever other considerations are reflected in industry practice regarding holding the article of food under detention. Conditions of the secure storage facility should not erode the safety or quality of a detained article. The Secretary should also take reasonable precautions to protect against an inappropriate release of a detained food. Secured storage requirements should apply if there is a reasonable apprehension that the article of detained foods are likely to be inappropriately released. This section does not impose any obligation on the owner of a detained food to bear the cost of the secure storage facility.

This section also permits the Secretary to order a temporary hold for a reasonable period of time, but not longer than 24 hours, of food offered for import if an FDA official is unable to inspect the article at the time it is offered for import and where the Secretary already has ''credible evidence or information indicating that such article of food presents a threat of serious adverse health consequences or death to humans or animals;'' the same standard employed for administrative detention under this section. The period of the hold is intended to allow the Secretary sufficient time to dispatch an inspector to the port of entry in order to conduct the needed inspection, examination or investigation. The authority to temporarily hold an article of food is not provided to facilitate mere administrative convenience. Instead, it is intended to reflect the physical absence of an inspector at the port of entry, or other situations, that render inspection impossible at the time of entry. The authority to temporarily hold an article of food under this section should not delay or unnecessarily disrupt the flow of commerce, and both the authority to detain foods and the authority to temporarily hold foods under this section are intended to be used to deter bioterrorism and therefore apply to specific instances where particular items of food meet the standard for detention.

Section 303 provides authority to the Secretary to debar from importing articles of food, any person that is convicted of a felony relating to food importation, or any person that repeatedly imports food and who knew, or should have known, that the food was adulterated. This section would authorize debarment following a felony conviction regarding food importation. In the great majority of situations permissive debarment authority will be employed in situations involving a felony conviction. In addition, this section includes authority that would allow debarment of a person without a relevant criminal conviction. This authority is intended to bolster efforts to deter bioterrorism. The Secretary should primarily use this authority to debar bad actors that repeatedly and knowingly import food that seriously threatens public health.

Most forms of adulteration do not pose a serious threat to public health and many forms of adulteration pose no public health threat at all. When food adulteration occurs, food importers are often innocent purchasers of the food. This debarment authority should not be used against innocent purchasers of food, nor is this authority to be used as an administrative shortcut to act against an importer where criminal prosecution is not sustainable.

Section 304 provides the Secretary the authority to inspect and copy all records relating to an article of food if the Secretary has credible evidence or information indicating that an article of food presents a threat of serious health consequences or death to humans or animals. This provision excludes farms and restaurants and is subject to certain limitations including limitations to ensure the protection of trade secrets and confidential information.

Section 304 authorizes the Secretary to issue a regulation requiring maintenance of additional records that are needed to trace the source and chain of distribution of food, in order to address credible threats of serious adverse health consequences to humans or animals. This provision excludes restaurants and farms, and the Secretary is provided the authority to take into account the size of the business when imposing any record keeping requirements and tailor the requirements to accommodate burden and costs considerations for small businesses.

Section 304 authorizes the issuance of regulations to require the maintenance of so-called ''chain of distribution'' records that would enable the Secretary to trace the source and distribution of food in the event of a problem with food that presented a threat of serious adverse health consequences or death to humans or animals. This authority may not be used to require a business to maintain records regarding transactions or activities to which it was not a party. The Secretary has indicated that chain of distribution records that document the person from whom food was directly received, and to whom it was directly delivered, would sufficiently enable adequate tracing of the source and distribution of food.

This records access would not extend to the most commercially sensitive or confidential records, including recipes, financial data, pricing data, personnel data, research data, or sales data (other than shipment data regarding sales). This authority would not permit access to any records regarding employees, research or customers (other than shipment data). Nor does it permit access to marketing plans.

Under Section 304 the Secretary must take appropriate measures to prevent the unauthorized disclosure of trade secret or confidential information obtained by the Secretary pursuant to this section. The Secretary shall ensure that adequate procedures are in place to ensure agency personnel will not have access to records without a specific reason and need for such access, and that possession of all copies of records will be strictly controlled, and that detailed records regarding all handling and access to these records will be kept.

Section 305 requires all facilities (excluding farms) that manufacture, process, pack or hold food for consumption in the United States to file with the Secretary, and keep up to date, a registration that contains the identity and address of the facility and the general category of food manufactured, processed, packed or held at the facility. This section authorizes the Secretary to exempt certain retail establishments only if the Secretary determines that the registration of such facilities is not needed for effective enforcement. The purpose of registration under this section is to authorize the Secretary to compile an up-to-date list of relevant facilities to enable the Secretary to rapidly identify and contact potentially affected facilities in the context of an investigation of bioterrorism involving the food supply.

Enforcement of Section 305 would be delayed 180 days from the date of enactment, and this section requires the Secretary to take sufficient measures to notify and issue guidance within 60 days identifying facilities required to register. This section also requires the Secretary to promulgate adequate guidance, where needed, to enable facilities to determine whether and how to comply with these registration requirements. The Secretary is encouraged to utilize the notice and comment process as an appropriate method for notifying potential registrants of their obligation to register and to receive advice and assistance from registrants on how best to develop a registration system that is both workable and cost-effective. In many instances, additional steps may be needed since the notice and comment may not be adequate to inform small businesses and other importers who may not have the resources or capabilities to research and track federal regulatory notices in a timely manner prior to the expiration of the 180-day enforcement bar.

This section does not impose a registration fee, and calls for a one-time registration. In other words, once a facility is registered it will only have to amend its original registration in a timely manner to reflect any changes. This section also allows and encourages electronic registration to help reduce paperwork and reporting burden, but registration would also be permitted using a paper form. The Department should work in a cooperative manner with facilities in terms of their obligations to register, and should be reasonable in situations where facilities are making good faith efforts to comply.

Registration should be made as simple as possible (such as permitting both electronic and paper registration, as well as permitting a headquarters to register on behalf of all establishments of a company) and the Secretary shall promptly complete a rulemaking regarding exemption from registration requirements for various types of retail establishments. As

part of this rulemaking the Secretary should look broadly at the various types of the food establishments in order to ascertain whether they should be exempted and shall exempt from registration those facilities that are not necessary to accomplish the purpose of this section. The Secretary should assure that implementation of this section does not unnecessarily disrupt the flow of commerce.

Section 306 requires the Secretary to promulgate a rule to provide for prior notice to the Secretary of food being offered for import. The prior notice is to occur between 24 and 72 hours before the article is offered for import. In circumstances where timely prior notice is not given, the article is to be held at the port until such notice is given and the Secretary, in no more than 24 hours, examines the notice and determines whether it is in accordance with the notice regulations. At that time, the Secretary must also determine whether there is in his possession any credible evidence or information indicating that such article presents a threat of serious adverse health consequences or death to humans or animals. This determination by the Secretary should not delay or unnecessarily disrupt the flow of commerce.

Section 306 is not intended as a limitation on the port of entry for an article of food. In some instances, such as inclement weather, routine shipping delays, or natural disasters, a shipment of food may arrive at a port of entry other than the anticipated port of entry provided on the notice. When such situations arise, arrival at a port other than the anticipated port should not be the sole basis for invalidating a notice that is otherwise in accordance with the regulations. Also, the importer of an article of food is required to provide information about the grower of the article of food, if that information is known to the importer at the time that prior notice is being provided in accordance with the regulations. This provision only requires the importer to provide any information he has in his possession at the time that prior notice is being provided. The Secretary shall closely coordinate this prior notice regulation with similar notifications that are required by the U.S. Customs Service with the goal of minimizing or eliminating unnecessary, multiple or redundant notifications.

PERSONAL EXPLANATION

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 20, 2001

Mr. FORD. Mr. Speaker, regrettably, I was not present for the vote on final passage of H.R. 3529, the Economic Security and Worker Assistance Act, or the preceding motion to recommit.

Had I been present, I would have voted ''Yea'' on rollcall vote number 508, the motion to recommit, and ''Nay'' on rollcall vote 509 final passage of H.R. 3529.

UNITED STATES FOREST SERVICE AND FISH AND WILDLIFE SERVICE REPORTS

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 20, 2001

Mr. NETHERCUTT. Mr. Speaker, the recent published reports about the planting of false evidence by biologists with the United States Forest Service and the United States Fish and Wildlife Service are alarming.

An internal Forest Service investigation has found that the science of the habitat study had been skewed by seven government officials: three U.S. Forest Service employees, two U.S. Fish and Wildlife Service officials and two employees of the Washington Department of Fish and Wildlife.

These officials, according to published reports, planted three separate samples of Canadian lynx hair on rubbing posts used to identify existence of the creatures in the two national forests. Had the deception not been discovered, the government likely would have banned many forms of recreation and use of natural resources in the Gifford Pinchot National Forest and Wenatchee National Forest in Washington State. The restrictions would have had a real-life devastating impact on the economy of Washington State.

Today I join with many of my colleagues in demanding that these employees, upon evidence of their guilt is established, be immediately terminated. It is unacceptable that these employees have simply been counseled for their planting of evidence. Federal employees should be held accountable for their actions—period.

Further, I support a complete review of the lynx study as well as a review of any other projects on which these employees may have worked. The integrity of these agencies and our future efforts to protect threatened and endangered species depends on these reviews. As a member of the Interior Appropriations Subcommittee, I intend to make sure that this kind of activity never happens again and that the agencies involved are not perpetrating a fraud on the American people. That is my highest responsibility.

BEST PHARMACEUTICALS FOR CHILDREN ACT

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2001

Mr. STUPAK. Mr. Speaker, I rise tonight to urge Members to vote against the pediatric exclusivity bill, S. 1789. It is the product of a flawed negotiating process, a flawed legislative process, and a flawed regulatory process which was instituted back in 1997.

First approved in 1997, pediatric exclusivity granted drug companies an extra six-month extension on their patent if they would conduct a study to determine what the effects were on young people. The FDA sends a written request for a pediatric study to the drug company. Upon completion of the study, FDA grants a six month extension of the patent monopoly—the ''pediatric exclusivity''—which the drug companies then use as a marketing tool to promote and increase the drug's sales.

What I find horrifying is the grant of exclusivity takes place after the drug company does its study but before anyone knows what is included in the results of the study. Nothing is said to the general public—which includes parents and pediatricians—or prescribing physicians about the safety, effectiveness, or dosage requirements. Under S. 1789, there is no requirement to change the labeling on the drug to reflect the changes that may be needed when the drug is dispensed to young people. There is no label to tell doctors, patients, and their families the proper dosage, or how to dispense or use the drug.

My argument has always been this: before you grant pediatric exclusivity to a pharmaceutical company and before this exclusivity is then marketed as being FDA approved for pediatric use, shouldn't you at least know what is the effect of the drug on young people?

Under current law—and this bill would extend current law after the study is completed, exclusivity is granted, but whether the drug helps or hurts young people remains a secret and is not disclosed to the doctors, patients, and their families for an average of 9 months. Shouldn't this information get out to these people before they ingest this medicine?

I have a chart, which I have used on the floor before. It highlights the problems with S. 1789, which does not require labeling changes until 11 months after the drug is being used in the pediatric population. How many of you would give your child a drug and not know whether it helps or harms your child until 11 months later?

There have been 33 drugs granted pediatric exclusivity. Only 20 have been re-labeled to reflect the results of the pediatric study, and even those label changes have taken an average of 9 months.

For 9 months, doctors, patients, and their families have no idea if the child is receiving the proper dosage or even if the drug is really safe!

Now why can't doctors, patients, and their families know this information before the grant of pediatric exclusivity is given? I was not allowed a chance to offer my amendment before the full House. My amendment is very simple and very commonsense: before pediatric exclusivity is granted, all drugs must be labled especially for pediatric use.

Under other prescription drug patent extension programs, labeling is an absolute prerequisite to receiving patent extension. But not pediatric exclusivity. Why would we treat our children any differently?

For the love of me, I cannot understand why the majority does not want doctors, patients, and their families to know the effect of drugs may have on children!

What is the proper dosage? What is the efficacy? What is the safety level for our children?

Why do we wait an average of 9 months before we see proper labeling? Why must we wait to find out if a child has received the proper dosage?

Let us defeat this legislation. I urge a no vote.